

FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:
8920-EPD

Concord-Carlisle Regional
School District BY
Radio Station WIOH(FM)
120 Meriam Road
Concord, Massachusetts 01742

In re: WIOH(FM), Concord, MA
Concord-Carlisle Regional
School District
("Concord-Carlisle")
EPED-860424MC
Petition for Reconsideration

[REDACTED]

With respect to the interference WIOH(FM) would cause to WERS(FM), the Commission recently modified its policy with regard to overlap between second and third adjacent channel non-commercial educational stations:

The Commission has long recognized the unique characteristics of the noncommercial service and the need for flexibility to respond to the growing demand for such service. We are also more sensitive today to the increasing limitations within the reserved band which reflect the increased demand for service over the last 30 years. For these reasons, we are now inclined to grant waivers of second or third adjacent channel overlap in circumstances such as WOCE's, where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas....(footnote omitted.)

....

Whereas WOCE's proposal discussed above involved overlap received, WOCE's proposal involves overlap caused and therefore requires separate consideration. We note, however, that proposals such as WOCE's are the "other side of the coin." Where waivers are approved to allow stations to receive overlap, there is always a station causing it. Thereafter any increase or displacement in the facilities of the "causing" station will result in new overlap. To avoid perpetually restricting such stations to their current facilities, and in view of the limited nature of the interference potential of second or third adjacent channels discussed above, we are inclined to view waiver requests such as WOCE's favorably where there is clearly a public benefit.

See Educational Information Corporation (WOCE-FM); Campbell University, Inc. WOCE(FM), 6 FOC Rod 2207 (1991). The overlap caused by WIOH(FM)'s proposal to Station WERS(FM) is analogous to that in the WOCE case.

In further processing the application we find that the proposal would also receive prohibited contour overlap from the licensed facilities of co-channel station WBMT(FM), Boxford, MA. Concord-Carlisle also recognized this conflict and requested waiver of 47 C.F.R. § 73.509. Concord-Carlisle's waiver request with respect to WBMT(FM) indicated that the distance to the 1 mV/m contour of WIOH(FM)'s proposal is overstated. The 1 mV/m distance shown is based, as mandated by the Commission's rules, on an antenna HAAT of 30 meters while the actual HAAT of WIOH(FM)'s proposal is 7.4 meters. Also, the distance to WBMT(FM)'s interfering contour is overstated in that WBMT(FM)'s antenna HAAT is not 30 meters, but is only 5.8 meters. Furthermore, even as calculated using 30 meters HAAT for both stations, the predicted interference is actually of little significance since the area of overlap is a total of 6 square kilometers. Of this area, 3.25 square kilometers lies either over a swamp or inside the boundaries of Hanscom Field, an airport. The remaining 2.75 square kilometers lies outside the town of Concord-Carlisle and shares no community of interest with the Concord-Carlisle Regional School District. As further support of the waiver request, Concord-Carlisle stated that there are no available frequencies in the non-commercial educational band to which WIOH(FM) could move to achieve minimum Class A facilities without causing significant interference to one or more existing stations.

With regard to the overlap received by WIOH(FM) from co-channel station WEMT(FM), the Commission, in its WCPE-FM decision, clearly distinguished co-channel interference from second or third adjacent channel interference:

Overlap of co-channel or first adjacent channel signals is a more serious matter since the interference that may occur results in the loss of service over a wide area. Second or third adjacent channel overlap may result in the replacement of one signal by another (not the complete loss of service) and is confined to a very small area around the transmitter of the interfering station. In addition, the potential for such interference to occur depends to a great extent on the quality of the receivers used within the affected area.

See Educational Information Corporation, 6 FCC Rcd 2207 (1991), at Paragraph 9.

However, wherever possible, the Commission has sought to replace Class D stations with higher power Class A stations, the intent being to increase service and provide for a more efficient use of the noncommercial educational FM spectrum. See Second Report and Order, Docket No. 20735, 43 Fed. Reg. 39704 (1978). In addition, waivers which involve interference received will be permitted in cases of Class D stations attempting to upgrade to a Class A where the interference does not exceed 10 percent of the station's proposed service area and the applicant provides sufficient justification. See Memorandum Opinion and Order, Docket No. 20735, 50 Fed. Reg. 27954 (1985), at Paragraph 56. The overlap received by WIOH(FM) would be approximately 6 percent of its proposed service area. Furthermore, by upgrading to Class A facilities, WIOH(FM) would be furthering an important public interest objective.

Accordingly, for the reasons stated above, the April 23, 1986 "Petition for Reconsideration" filed by Concord-Carlisle IS **HEREBY GRANTED** and application **BPED-860424MC IS HEREBY REINSTATED NUNC PRO TUNC**. In addition, 47 C.F.R. § 73.509 IS **HEREBY WAIVED** with respect to the overlap caused to the licensed facilities of WERS(FM) and with respect to the overlap received by WIOH(FM) from the licensed facilities of WEMT(FM). Therefore, application **BPED-860424MC IS HEREBY ACCEPTED FOR FILING**. The application will be placed on the next available "A" cutoff list.

Sincerely,


Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc: Ned Roos